

# **EXHIBIT 1**

### DECLARATION OF AMY BELSHER

I, Amy Belsher, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge.

1. My name is Amy Belsher. I am a member of the New York Bar and the Director of Immigrants' Rights Litigation at the New York Civil Liberties Union. I serve as one of the counsel of record for the Petitioners-Plaintiffs and certified class in *G.F.F. v. Trump*, No. 1:25-cv-2886 (S.D.N.Y.), a class action challenging the President's March 2025 Proclamation invoking the Alien Enemies Act against alleged members of Tren de Aragua ("TdA"). The certified class consists of all noncitizens in federal, state, or local custody in the Southern District of New York ("SDNY") who were, are, or will be subject to that Proclamation.
2. In the *G.F.F.* litigation, the government moved to vacate class certification, arguing in part that the class did not meet numerosity requirements. The government represented to the court that there were only eight Venezuelan citizens with alleged TdA membership detained at Orange County Jail, the only ICE detention facility located in SDNY. *See G.F.F. v. Trump*, No. 25-cv-2886 (S.D.N.Y. Apr. 21, 2025), ECF No. 72 at 11.
3. On May 23, 2025, after the court denied the government's motion to vacate class certification and granted a motion for preliminary injunction, the government produced to Petitioners-Plaintiffs' counsel via email a list of names and statuses of potential class members since the date of the case's filing on April 8, 2025. Attached as Exhibit A is a true and correct copy of that list, with names and A-numbers redacted.
4. The government's list describes two potential class members who had been arrested in SDNY and were, as of May 23, detained at Moshannon Valley Processing Facility in Pennsylvania. The two individuals detained at Moshannon are both Venezuelan nationals alleged by the government to be members of TdA. One is listed as "5/19 ARREST TO MSV"; the other is described as "IN PROCEEDINGS @ MSV."
5. In addition to these two Venezuelans accused of being TdA members and detained at Moshannon, the government's list describes seven potential class members still detained at Orange County Jail, six been removed under the INA, one released, and five others who had been arrested in SDNY and detained outside SDNY—all of whom have since been removed. For this last category, the government's list does not state whether or not they were detained in the Western District of Pennsylvania prior to removal.
6. We have not received an updated list since May 23.

I, Amy Belsher, swear under penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge and recollection.

/s/ 

# **EXHIBIT A**

From: [Davis, Tiberius \(CIV\)](#)  
 To: [Daniel Galindo: Oestericher, Jeffrey \(USANY5\): Ensign, Drew C \(CIV\)](#)  
 Cc: [Lee Gelemt; My Khanh Ngo - s/he/her/hers; Bobby Hodgson; Amy Belsher](#)  
 Subject: RE: Confening in GFF v. Trump 25-cv-2886  
 Date: Friday, May 23, 2025 8:23:46 PM

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Counsel, pursuant to the agreed preliminary injunction, below is information on the names, locations (as known), and status of potential class members. Due to limited capacity, many people arrested in SDNY are immediately moved to a facility elsewhere. We included them for completeness. No one has been removed under the AEA because the Court's TRO was in effect and there have been many injunctions across the nation. All transfers and removals listed have been under the INA and will continue to be so as long as the PI remains in effect. We are working on gathering the requested documents as well, but thought we would share this information first.

1. Venezuelan with alleged TdA membership detained/removed from OCJ since April 8, 2025.

**IN OCJ CUSTODY ON OR AFTER 4/8**

██████	██████	DETAINED SINCE 4/5 AT OCJ - IJ DECISION PENDING
██████	██████	DETAINED SINCE 4/5 AT OCJ - IN
██████	██████	PROCEEDINGS
██████	██████	DETAINED SINCE 4/4 AT OCJ - IN
██████	██████	PROCEEDINGS
██████	██████	DETAINED SINCE 3/14 AT OCJ - IN
██████	██████	PROCEEDINGS
██████	██████	DETAINED SINCE 4/5 AT OCJ - IN
██████	██████	PROCEEDINGS
██████	██████	ARRESTED SINCE 4/21 AT OCJ - IN
██████	██████	PROCEEDINGS
██████	██████	DETAINED SINCE 4/24 AT OCJ - PENDING
██████	██████	APSO

**NYC REMOVALS FROM OCJ ON OR AFTER 4/8**

██████	██████	REMOVED TO VENEZUELA
██████	██████	REMOVED TO VENEZUELA
██████	██████	REMOVED TO VENEZUELA
██████	██████	REMOVED TO VENEZUELA
██████	██████	REMOVED TO VENEZUELA
██████	██████	REMOVED TO VENEZUELA

**NYC RELEASES ON OR AFTER 4/8**

██████	██████	RELEASED ON ATD
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2. Venezuelan with alleged TdA membership arrested in SDNY and detained outside of SDNY since April 8, 2025. (MSV is Moshannon Valley Processing Facility in PA)

**ARRESTS TRANSFERRED OUT OF AOR ON OR AFTER 4/8**

██████	██████	REMOVED
██████	██████	REMOVED
██████	██████	REMOVED
██████	██████	REMOVED
██████	██████	REMOVED
██████	██████	IN PROCEEDINGS @ MSV
██████	██████	5/19 ARREST TO MSV

From: Daniel Galindo <dgalindo@aclu.org>  
 Sent: Monday, May 19, 2025 6:16 PM  
 To: Davis, Tiberius (CIV) <Tiberius.Davis@usdoj.gov>; Oestericher, Jeffrey (USANY5) <Jeffrey.Oestericher@usdoj.gov>; Ensign, Drew C (CIV) <Drew.C.Ensign@usdoj.gov>